

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 05-1381

ROBERT G. SABELHAUS; MELANIE R. SABELHAUS,

Plaintiffs - Appellees,

versus

DERIVIUM CAPITAL, formerly known as First
Security Capital, LLC,

Defendant - Appellant.

Appeal from the United States District Court for the District of
South Carolina, at Charleston. Patrick Michael Duffy, District
Judge. (CA-05-14-2)

Submitted: August 22, 2005

Decided: October 6, 2005

Before NIEMEYER, LUTTIG, and KING, Circuit Judges.

Affirmed by unpublished per curiam opinion.

M. Dawes Cooke, Jr., Andrea H. Brisbin, John W. Fletcher, BARNWELL,
WHALEY, PATTERSON & HELMS, L.L.C., Charleston, South Carolina; John
B. Kern, JOHN B. KERN INTERNATIONAL LAW, L.L.C., Charleston, South
Carolina, for Appellant. Richard A. Farrier, Jr., Andrea K. St.
Amand, NELSON, MULLINS, RILEY & SCARBOROUGH, L.L.P., Charleston,
South Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Derivium Capital, LLC ("Derivium") appeals a district court order and judgment granting the motion of Robert G. and Melanie R. Sabelhaus to confirm an arbitration award under 9 U.S.C. § 9 (2000). Under § 9, any party to an arbitration award may move in the district court within one year of the award for an order confirming the award. "[T]hereupon the court must grant such an order unless the award is vacated, modified, or corrected as prescribed in sections 10 and 11 of this title." Because the arbitration award was not vacated, modified or corrected, the court properly granted the motion and issued the confirming order. With respect to Derivium's other arguments, we find they are without merit with respect to challenging the district court's confirming order and judgment. Accordingly, we affirm the district court's judgment and order. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED